

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE KANE KICKING WOMAN,

Defendant.

CR-18-33-GF-BMM-3

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 12, 2020. (Doc. 54.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 11, 2020. (Doc. 50.) The United States accused Kicking Woman of violating his conditions of supervised release 1) by using methamphetamine; 2) by consuming alcohol; 3); by failing to report to his probation officer as directed; and 4) by failing to notify his probation officer of a change of residence. (Doc. 48.)

At the revocation hearing, Kicking Woman admitted that he had violated the conditions of his supervised release 1) by using methamphetamine; 2) by consuming alcohol; 3); by failing to report to his probation officer as directed; and 4) by failing to notify his probation officer of a change of residence (Doc. 48.) Judge Johnston found that Kicking Woman's violations warrant revocation, and recommended that Kicking Woman be incarcerated for 15 months with no supervised release to follow. (Doc. 54 at 4.) Kicking Woman waived his right to allocute before the undersigned and the 14 day right to appeal. (Doc. 50.)

The violations prove serious and warrant revocation of Kicking Woman's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 54) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Kyle Kane Kicking Woman be incarcerated for a term of 15 months, with no supervised release to follow.

DATED this 13th day of February, 2020.



Brian Morris
United States District Court Judge